**MINUTES OF THE UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF CALIFORNIA**

U.S.A. vs DAVID ZAYAS-PINA No. 08CR868-BEN

The Court finds excludable delay, under the section indicated by check ( √ ),
commenced on 4/8/08 and ended on 6/30/08 ; (X7,XT1)
and ended on . ( )

| | 3161(h) | | |
|---|---|---|---|
| ___ | (1)(A) | Exam or hrg for **mental or physical incapacity** | A |
| ___ | (1)(B) | **NARA exam**ination (28:2902) | B |
| ___ | (1)(D) | State or Federal trials or **other charges pending** | C |
| ___ | (1)(E) | **Interlocutory appeals** | D |
| ___ | (1)(F) | **Pretrial motions** (from flg to hrg or other prompt dispo) | E |
| ___ | (1)(G) | **Transfers from other district** (per FRCrP 20, 21 & 40) | F |
| ___ | (1)(J) | **Proceedings under advisement** not to exceed thirty days | G |
| ___ | | Misc proc: Parole or prob rev, deportation, **extradition** | H |
| ___ | (1)(H) | **Transportation** from another district or to/from examination or hospitalization in ten days or less | 6 |
| X | (1)(I) | Consideration by Court of **proposed plea agreement** | (7) |
| ___ | (2) | **Prosecution deferred** by mutual agreement | I |
| ___ | (3)(A)(B) | **Unavailability of defendant** or **essential witness** | M |
| ___ | (4) | Period of **mental or physical incompetence** of defendant to stand trial | N |
| ___ | (5) | Period of **NARA commitment or treatment** | O |
| ___ | (6) | **Superseding indictment and/or new charges** | P |
| ___ | (7) | **Defendant awaiting trial of co-defendant** when no severance has been granted | R |
| ___ | (8)(A)(B) | **Continuances** granted per (h)(8)-use "T" alone if more than one of the reasons below are given in support of continuance | T |
| ___ | (8)(B)(I) | 1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial. **(Continuance - miscarriage of justice)** | (T1) |
| X | | 2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted. **(Continuance - tendered a guilty plea)** | |
| ___ | (8)(B)(ii) | 2) **Case** unusual or **complex** | T2 |
| ___ | (8)(B)(iii) | 3) **Indictment** following arrest **cannot be filed** in thirty (30) days | T3 |
| ___ | (8)(B)(iv) | 4) **Continuance** granted in order to obtain or substitute counsel, or give reasonable time to prepare **(Continuance re counsel)** | T4 |
| ___ | 3161(I) | Time up to **withdrawal of guilty plea** | U |
| ___ | 3161(b) | **Grand jury indictment time extended** thirty (30) more days | W |

Date 4/8/08

RES
Judge's Initials